

# SUBCOMMITTEE NO. 1 on Education



## Subcommittee No. 1

Chair, Jack Scott

Member, Bob Margett

Member, Joe Simitian

**Tuesday, April 24, 2007**

**1:30 p.m.**

**Room 113, State Capitol (Outcomes)**

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**ISSUE 2: Local Assistance Federal Funds Adjustments -- April Finance Letters (Consent Items)**

Staff recommends approval of the following federal local assistance revisions to the Governor's January 10 Budget, as proposed by the April 2007 budget letters from the Department of Finance. No issues have been raised by any of these items. Federal funds adjustments are intended to update budget appropriation levels so they match the latest federal estimates and utilize funds consistent with current programs and policies.

**OUTCOME: Approved Consent Items adjusted to reflect DOF request to add \$2,163,000 to the Migrant Education Program (Item 6110-125-0890) for purposes of aligning the state appropriation with the recently revised federal grant amount. (Vote 3-0)**

**Federal Funds Adjustments – Various Local Assistance Budget Items**

**6110-102-0890, Local Assistance, One-time Carryover for the Learn and Serve America Program (Issues 263 and 264)**

It is requested that this item be increased by \$162,000 to reflect additional one-time carryover funding to support additional service learning activities. It is also requested that this item be increased by \$3,000 to conform base federal expenditure authority to available grant funding.

It is further requested that provisional language be added as follows to conform to this action:

X. The funds appropriated in this item include a one-time carryover of \$162,000, available for the support of additional service learning activities during the 2007-08 fiscal year.

**6110-103-0890, Local Assistance, Robert C. Byrd Honors Scholarship Program (Issue 791)**

It is requested that this item be increased by \$114,000 to align the appropriation with available federal funds. The funds will be used to promote student excellence and achievement by awarding scholarships solely on the basis of academic merit to recognize students who show promise of continued academic excellence.

**6110-112-0890, Local Assistance, Public Charter Schools (Issue 980)**

It is requested that this item be reduced by \$2,423,000 to align the appropriation authority with the anticipated federal grant award amount. Public Charter School funds are used to fund start-up, implementation, and best practices dissemination for charter schools.

**6110-119-0890, Local Assistance, Neglected and Delinquent Children Program (Issue 646)**

It is requested that this item be decreased by \$53,000 to align appropriation authority with the anticipated federal grant. Federal Neglected and Delinquent Children Program funds are used to address the educational needs of neglected and delinquent children and to provide education continuity for children in juvenile institutions.

**6110-123-0890, Local Assistance, Title V Innovative Programs (Issue 839)**

It is requested that this item be increased by \$104,000 to align the appropriation with the anticipated federal grant award. These grant funds are provided to districts to develop and implement innovative educational programs intended to improve school, student, and teacher performance.

**6110-125-0890, Local Assistance, Migrant Education Program and English Language Acquisition Program (Issues 642, 643, 649, and 650)**

It is requested that Schedule (1) of this item be increased by \$6,576,000. This adjustment includes an increase of \$2,976,000 to align the Migrant Education Program appropriation with the anticipated federal grant and an increase of \$3.6 million to reflect the availability of one-time federal carryover funds. These funds will be used to meet the educational needs of highly mobile children whose family members are employed in seasonal occupations. The program provides supplemental services to support the core academic program children receive during the regular school day.

It is further requested that provisional language be added, as follows, to conform to this action:

X. Of the funds appropriated in Schedule (1), \$3,600,000 is provided in one-time carryover funds to support the existing program.

It is further requested that Schedule (3) of this item be increased by \$5,771,000. This adjustment includes an increase of \$3,871,000 to align the English Language Acquisition Program appropriation with the anticipated federal grant and an increase of \$1.9 million to reflect the availability of one-time carryover funds. These funds will be used to help students attain English proficiency and meet grade level standards.

It is further requested that provisional language be added as follows to conform to this action:

X. Of the funds appropriated in Schedule (3), \$1,900,000 is provided in one-time carryover funds to support the existing program.

**6110-137-0890, Local Assistance, Rural/Low-Income School Program (Issue 645)**

It is requested that this item be decreased by \$498,000 to align appropriation authority with the anticipated federal grant. Rural/Low-Income School Program funds are used to improve instruction and achievement for children in rural and low-income schools by supporting activities such as teacher recruitment and retention, professional development, educational technology projects, and parental involvement activities.

**6110-156-0890, Local Assistance, One-time Carryover for Adult Education (Issue 262)**

It is requested that this item be increased by \$2,348,000 to reflect additional one-time carryover funding to support adult education programs, with provisional language added to specify that these one-time funds be used to ensure compliance with federal reporting requirements.

It is requested that provisional language be added as follows to conform to this action:

X. The funds appropriated in this item include a one-time carryover of \$2,348,000, available for the support of additional adult education instructional activities and may be used by local providers to upgrade data collection and other software systems to ensure compliance with federal adult education reporting requirements as specified in Public Law 109-77.

**6110-166-0890, Local Assistance, One-time Carryover for Vocational Education (Issue 261)**

It is requested that this item be increased by \$10,718,000 to reflect additional one-time carryover funding to support vocational education programs, with provisional language added to specify that these one-time funds be used to expand and align K-12 tech prep programs with community college economic development programs.

It is requested that provisional language be added as follows to conform to this action:

X. The funds appropriated in this item include a one-time carryover of \$10,718,000. These funds shall be used during the 2007-08 academic year to support additional vocational education institutional activities, with first priority being given to supporting curriculum development and articulation of K-12 technical preparation programs with local community college economic development and vocational education programs in an effort to incorporate greater participation of K-12 students in sequenced, industry-driven coursework that leads to meaningful employment in today's high-tech, high demand, and emerging technology areas of industry employment.

**6110-180-0890: Local Assistance, Education Technology Program (Issue 051)**

It is requested that this item be reduced by \$2,233,000. This proposal would realign the program budget with the new federal grant. The reduction would be allocated

proportionately among competitive grants, formula grants, and the California Technology Assistance Project. We note that at least \$250 million in private funds is available to local education agencies directly as a result of a settlement with Microsoft, which will help mitigate the impact of the federal reduction.

It is further requested that Provisions 1, 2 and 3 be amended as follows:

"1. Of the funds appropriated in this item, ~~\$16,662,000~~ \$15,569,000 is for allocation to school districts that are awarded formula grants pursuant to the federal Enhancing Education Through Technology Grant Program.

2. Of the funds appropriated in this item, ~~\$16,662,000~~ \$15,569,000 is available for competitive grants pursuant to Chapter 8.9 (commencing with Section 52295.10) of Part 28 of the Education Code and the requirements of the federal Enhancing Education Through Technology Grant Program including the eligibility criteria established in federal law to target local educational agencies with high numbers or percentages of children from families with incomes below the poverty line and one or more schools either qualifying for federal school improvement or demonstrating substantial technology needs.

3. Of the funds appropriated in this item, ~~\$701,000~~ \$654,000 is available for the California Technology Assistance Project (CTAP) to provide federally required technical assistance and to help districts apply for and take full advantage of the federal Enhancing Education Through Technology grants."

**6110-183-0890, Local Assistance, Safe and Drug Free Schools Program (Issues 788 and 789)**

It is requested that this item be increased by \$3,211,000. This adjustment includes an increase of \$811,000 to align the appropriation with the anticipated federal grant. In addition, this adjustment includes an increase of \$2.4 million to reflect the availability of one-time carryover funds from 2006-07. These funds will be used to support programs that prevent violence in and around schools, prevent the illegal use of alcohol, tobacco, and drugs, and involve parents and communities.

It is further requested that provisional language be added as follows to conform to this action:

X. Of the funds appropriated in this item, \$2,400,000 is a one-time carryover available to support the existing program.

**6110-193-0890, Local Assistance, Mathematics and Science Partnership Program (Issues 089 and 093)**

It is requested that this item be increased by \$2,176,000. This adjustment includes a decrease of \$1,426,000 to align Title II, Part B of the Elementary and Secondary

Education Act (Mathematics and Science Partnership Program) appropriation with the anticipated federal grant award and an increase of \$3,602,000 to reflect the availability of one-time carryover funds. This program provides competitive grant awards to partnerships of low-performing schools and institutes of higher education to provide staff development and curriculum support for mathematics and science teachers.

It is further requested that provisional language be added, as follows, to conform to this action:

X. Of the funds appropriated in this item, \$3,602,000 is provided in one-time carryover funds to support the Math and Science Partnership Program.

**6110-195-0890, Local Assistance, Title II Improving Teacher Quality Local Grants (Issue 086)**

It is requested that this item be decreased by \$4,683,000 to align with appropriation authority for the Teacher and Principal Training and Recruiting Fund with the anticipated federal grant award. This program provides an apportionment to local education agencies for activities focused on preparing, training, and recruiting high-quality teachers.

## ISSUE 8: Program Improvement (PI) Schools & Districts (6110-136-0890)

**DESCRIPTION:** The Governor's Budget provides **\$49.8 million** in federal Title I set-aside funds for low performing schools and districts identified as needing "Program Improvement" (PI) under the federal No Child Left Behind (NCLB) Act in 2007-08. The Governor's budget does not appropriate an additional **\$15.2 million** in additional in Title I set-aside base funding and **\$45 million** in one-time Title I set-aside funds. In addition, the Governor's budget does not reflect the availability of **\$17.6 million** in new, ongoing federal Title I funds for school and district improvement. The Administration will likely update their proposals as part of the May Revision. The Department of Education will present proposals for expending additional Title I federal funds available in 2007-08. CDE will also provide an update on implementation of NCLB accountability provisions in California.

**BACKGROUND:** The federal No Child Left Behind Act allows states to "set-aside" four percent of their total Title I grant to help schools and districts improve their performance.

**Status of Program Improvement Schools and Districts.** According to the Department of Education, there are currently 2,218 Title 1 funded schools and 159 districts in California designated as Program Improvement. While the state has been identifying Program Improvement schools for a number of years, Program Improvement districts were just identified in the last two years.

Year	Program Improvement Schools	Program Improvement Districts
Year 1	700	59
Year 2	340	100
Year 3	484	0
Year 4	340	0
Year 5	354	0
TOTAL	2,218	159

Schools and districts must implement a range of services and/or interventions while they are identified as Program Improvement. If progress is not made, a range of sanctions apply. The soonest that program improvement districts could first face state sanctions is the fall of 2007.

**Governor's budget.** The Governor's budget provides **\$49.8 million** in ongoing Title I set-aside funds for 2007-08, as follows:

- **\$10 million** for the Statewide System of School Support, which are regional consortia providing technical assistance to schools and districts in need of improvement.

- **\$1.6 million** to support State Intervention and Assistance Teams (SAIT) that enter into contracts with Title I Program Improvement schools, HP schools, or II/USP schools that have failed to meet growth targets (\$75,000 per SAIT team assigned to an elementary or middle schools; \$100,000 for per team assigned to a high school).
- **\$22 million** to provide \$150 per pupil for schools to implement corrective actions resulting from their work with SAIT teams.
- **\$16.2 million** for school districts identified as program improvement, to help these districts work with external providers to perform assessments related to developing and implementing improvement plans. Districts receive \$50,000 plus \$10,000 per schools that is Title I supported from this set-aside.

According to the Department of Education, preliminary estimates are that an additional **\$77.8 million** is available in 2007-08 that is not included in the Governor's 2007-08 budget. This includes an additional **\$15.2 million** in continuing Title set-aside base funds and **\$45 million** in one-time Title I carryover funds are available for school and district improvement in 2007-08. In addition, there is **\$17.6 million** in new, ongoing Title I funds for school improvement grants in 2007-08. The Governor has not proposed to appropriate these funds to date, in part because of a lack of information about the final federal amounts available.

**CDE Proposals for Expanding District-Based Supports and Interventions.** The Department of Education has proposed a plan for expending the additional **\$77.8 million** new federal funds available in 2007-08. The Department proposes expending the new funds as follows:

- **\$ 7 million** increase for Statewide Systems of School Support;
- **\$28 million** increase in grants for PI Districts;
- **\$15.6 million** to add grants for Non-PI Districts with a number of PI schools; and
- **\$27 million** for a new DAIT program element to assist with corrective actions in PI districts.

**CDE Proposal for District Intervention Teams.** CDE has submitted a proposal to the Administration for utilizing district assistance and intervention teams (DAIT) to assist districts in making changes to improve their performance. This program is modeled after the department's intervention approach for schools. CDE has been piloting the DIAT approach in anticipation of the 100 PI districts that could be eligible for state interventions this fall if they fail to make AYP in their third year.



**CDE Proposal for Technical Fix to Budget Schedule.** The administration has proposed new budget control language for Title I funds that would allow CDE to adjust the above amounts based on the number of schools and districts that are ultimately identified as program improvement, after the budget passes. CDE is proposing an alternative technical fix that will restructure the item into schedules, which will allow for transfer of funds between areas in an easier and more timely manner. A copy of CDE's proposed technical changes to the Governor's budget language are included in **Attachment D**.

**COMMENTS:** The Administration will likely provide a new expenditure plan for Title I Set-Aside funds and the new federal School Improvement funds at May Revise. CDE and DOF are currently working to verify the level of additional funding available in 2007-08. The Department of Education indicates that because of the delay in obtaining final federal grants figures, Title I Set-Aside estimates, as reflected in this agenda, may change.

Staff recommends that the Subcommittee consider CDE's proposals for strengthening support for district-based support and interventions for districts, given research that supports the effectiveness of this approach.

Staff also recommends that the Subcommittee adopt the CDE proposal for adjusting the budget schedule for Title I Set Aside funds to make program adjustments reflecting workload easier within the budget year. A copy of CDE's proposal is included in **Attachment D**. CDE's proposed changes would separately schedule School Improvement and Even Start under Title I. The LAO supports these changes and recommends adding a new reporting requirement for School Improvement as a part of the CDE technical fixes. Staff recommends that the Subcommittee adopt this additional LAO change.

**OUTCOME: Approved CDE language (AGENDA ATTACHMENT D) to make technical changes to the budget schedule for Title I Set-Aside funds with the addition of: (1) statutory references recommended by DOF and (2) an annual expenditure and savings report recommended by LAO. (Vote 3-0)**

## **ISSUE 10: Standardized Testing and Reporting System (STAR) and California English Language Development Test (CELDT)**

**DESCRIPTION:** The Governor proposes to continue an estimated **\$4.5 million** in 2007-08 to cover the costs of providing a 2<sup>nd</sup> grade STAR test, although that test sunsets at the end of 2006-07. As a part of their recommendations for improving accountability for English learners, the LAO recommends that **CDE study the feasibility of developing a vertical scaling system** for the STAR program in order to track progress for individual students from year-to-year. The Governor continues **\$1.4 million** in carryover funds for the development of a test of English language proficiency for English learners in kindergarten and 1<sup>st</sup> grade, pursuant to the requirements of the No Child Left Behind Act.

**BACKGROUND:** The Governor's budget provides **\$117.9 million** in funding for state assessments in 2007-08. (Attachment E lists and describes these state assessments.) This includes **\$85.1 million** in Proposition 98 funds and \$32.8 million in federal funds. The Governor's budget essentially continues funding for assessment programs at the 2006-07 and does not reflect any new outlays for statewide assessments.

Funding for state assessments are utilized for the following purposes: 1) reimbursing school districts for their local costs of administering the tests, and 2) paying for the statewide costs of developing and maintaining these tests, including payment to the private companies that develop the test items.

The Governor's budget does not reflect any major policy initiatives on testing, with the exception of a proposal to continue STAR testing 2<sup>nd</sup> graders, which is discussed below.

**Continuation of Funding for STAR 2<sup>nd</sup> Grade Test.** The current state testing system was created by legislation passed in 1997. The existing program was re-authorized in 2004 by SB 1448 (Alpert), Chapter 233, which re-authorized the state testing system for grades 3-11 until 2011 but only re-authorized the test for 2<sup>nd</sup> grade until June 30, 2007. Unless this law is changed, there will be no legal authority for the continuation of the state system in 2<sup>nd</sup> grade beginning July 1 of this year.

The Governor proposes trailer bill legislation to extend the authorization for 2<sup>nd</sup> grade testing until July 1, 2011, when the rest of the program sunsets. Accordingly, the Administration continues funding for 2<sup>nd</sup> grade testing in the 2007-08 budget. CDE estimates the state spends **\$4.5 million** a year for administration of the 2<sup>nd</sup> grade STAR test. The Administration supports ongoing second grade testing for the following reasons:

- Second grade tests provide the only statewide assessment of whether or not a student has mastered basic reading skills. Testing in subsequent grades is focused on subject matter/content knowledge.
- Without second grade testing, the first information about student performance, related to state aligned standards, would not be available until the beginning of fourth grade.

Second grade testing is currently used to measure placement of students in third grade. Later identification of students who need additional support can be detrimental to student achievement.

**Comments:** The Governor's proposal to extend 2<sup>nd</sup> grade testing is a policy issue, not a budget issue. However, if current law is not changed to extend the sunset of 2<sup>nd</sup> grade testing, there will no authority for expending the **\$4.5 million** proposed for the exam in 2007-08. As a policy matter, the issue of 2<sup>nd</sup> grade testing is not without controversy. Some advocates argue that 2<sup>nd</sup> grade testing is developmentally inappropriate, takes time away from classroom instruction and does not provide diagnostic data that can help inform instructional practices or identify areas that students need help in. Others argue that the 2<sup>nd</sup> grade tests are developmentally appropriate by design, take about one hour a day for six days, and provide valuable information to parents and teachers about how students are doing in reading and math that can be utilized to address student needs beginning in 3<sup>rd</sup> grade, rather than 4<sup>th</sup> grade. Per DOF, the estimated savings for the sunset of the 2<sup>nd</sup> grade STAR test is **\$2.0 million** in 2007-08 and **\$4.3 million** in future years.

**OUTCOME: Approved motion to delete funding for 2<sup>nd</sup> grade STAR test from the budget consistent with current law. (Vote: 2-1) The Subcommittee may reconsider funding at May Revise subject to policy legislation.**

**LAO Recommendation for Vertical Scaling of STAR.** As part of its recommendations regarding English learners, the LAO recommends that the state's STAR system be revised to be "vertically scaled" – that is, so that performance levels mean the same thing in each grade. This would allow the state to measure student gains and losses across years. The LAO notes that this data is particularly important for English learners, because aggregate comparisons of how English learners perform as a group from one year to the next are not particularly meaningful because the students classified as English learners change every year due to redesignation and immigration. As a first step, the LAO recommends that the CDE be required to contract out for a report on the feasibility of this change.

**Comments:** The state already collects vertically scaled data the CELDT, which is used to assess the progress of English learners in acquiring skills in speaking, reading, and writing English. The availability of vertically scaled data would allow the state to apply to the federal government to receive more flexibility in implementing NCLB. The LAO recommendation for a CDE feasibility study seems like a reasonable first step.

**K-1 CELDT Testing in Reading and Writing.** NCLB requires that states develop testing systems in specific areas. In a recent review of California's testing system, the federal government cited the state for not testing English learners in grades K-1 for reading and writing skills. CDE notes that CELDT already tests K-1 English learners for *listening* and *speaking skills*. The federal NCLB requirement would add *reading* (e.g., letter recognition) and *writing* (e.g., tracing letters) components to the test. Previous budgets have contained funding for this purpose, but legislation required for expenditure of funds has not been successful. The Governor's budget continues **\$1.4 million** for the

development of this test, subject to legislation in 2007-08. Once developed, the administration of the new test elements cost approximately \$1 million annually.

**Comments:** The Department of Education is sponsoring **SB 827 (Padilla)**, which is intended to add the federal assessment requirements for K-1<sup>st</sup> grade English learners.

## ATTACHMENT D.

### Department of Education Proposed Technical Changes to Budget Item 6110-136-0890

6110-136-0890--For local assistance,  
Department of Education, payable from  
the Federal Trust Fund..... ~~1,710,241,000~~  
\$1,660,392,000

Schedule:

- (1) 10.30.060-Title I- 1,652,483,00  
ESEA..... 0  
\$1,640,978,735
- (2) 10.30.065-McKinney-  
Vento Homeless  
Children Education.. 7,909,000
- (3) 10.30.XXX - Even Start 11,504,265  
Program

~~(3) 10.30.080-Title I-~~  
~~School Improvement.. 49,849,000~~  
~~Provisions:-~~  
~~1. In administering the~~  
~~accountability system required~~  
~~by this item, the Department of~~  
~~Education shall align the forms,~~  
~~processes, and procedures~~  
~~required of local educational~~  
~~agencies in a manner that they~~  
~~may be utilized for the purposes~~  
~~of implementing the Public~~  
~~Schools Accountability Act, as~~  
~~established by Chapter 6.1~~  
~~(commencing with Section 52050)~~  
~~of Part 28 of the Education~~  
~~Code, so that duplication of~~  
~~effort is minimized at the local~~  
~~level.~~  
~~2. Of the funds appropriated in~~  
~~Schedule (3), \$10,000,000 shall~~  
~~be available for use by the~~  
~~Department of Education for the~~  
~~purposes of the Statewide System~~  
~~of School Support established by~~  
~~Article 4.2 (commencing with~~  
~~Section 52059) of Chapter 6.1 of~~  
~~Part 28 of the Education~~  
~~Code.~~  
~~3. Of the funds appropriated in~~  
~~Schedule (3), up to \$1,600,000~~

~~shall be made available to  
support school assistance and  
intervention teams that enter  
into a contract with a school  
pursuant to subdivision (a) of  
Section 52055.51 of the  
Education Code. These funds  
shall be allocated in the amount  
of \$75,000 for each school  
assistance and intervention team  
assigned to an elementary or  
middle school, and \$100,000 for  
each team assigned to a high  
school. The Department of  
Education and Department of  
Finance may approve applications  
with justification for a total  
funding level of \$125,000.~~

~~4. Of the funds appropriated in  
Schedule (3), up to  
\$22,069,000 shall be made  
available to provide \$150 per  
pupil for each pupil in a school  
that is managed in accordance  
with paragraph (3) of  
subdivision (b) of Section  
52055.5 of the Education Code or  
that contracts with a school  
assistance and intervention team  
pursuant to subdivision (a) of  
Section 52055.51 of the  
Education Code.~~

~~5. Of the funds appropriated in  
Schedule (3), \$16,180,000 shall  
be available pursuant to Article  
3.1 (commencing with Section  
52055.57) of Chapter 6.1 of Part  
28 of the Education Code, for  
Title I district accountability.~~

~~6. The Department of Education may  
expend funds from Schedule (3)  
in amounts greater or less than  
designated in Provisions 2,  
3, 4, and 5 to meet the  
requirements of all programs.  
Expenditures greater than  
designated in the provisions  
shall not be valid without prior  
approval by the Department of  
Finance.~~

6110-XXX-0890--For local assistance,  
Department of Education, payable from  
the Federal Trust Fund..... 49,849,000  
Schedule:

(1)10.30.XXX - Statewide System

<u>Of School Support</u>	<u>10,000,000</u>
<u>(2) 10.30.XXX - School Assist</u>	
<u>And Intervention Teams</u>	<u>1,600,000</u>
<u>(3) 10.30.XXX - SAIT Correct</u>	
<u>Actions</u>	<u>22,069,000</u>
<u>(4) 10.30.XXX - Program Imp -</u>	
<u>LEA's</u>	<u>16,180,000</u>

Provisions:

1. In administering the  
accountability system required  
by this item, the Department of  
Education shall align the forms,  
processes, and procedures  
required of local educational  
agencies in a manner that they  
may be utilized for the purposes  
of implementing the Public  
Schools Accountability Act, as  
established by Chapter 6.1  
(commencing with Section 52050)  
of Part 28 of the Education  
Code, so that duplication of  
effort is minimized at the local  
level.